

FOARD COUNTY

Title VI /Nondiscrimination Plan

FY 2026

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Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance. Several other federal legal authorities supplement Title VI by extending protections based on age, sex, and disability. In addition, the Civil Rights Restoration Act of 1987 clarified Title VI enforcement by mandating that Title VI requirements apply to all programs and activities of federal-aid recipients regardless of whether any particular program or activity involves federal funds. Taken together, these laws require recipients and subrecipients of federal funds to ensure all programs and services are delivered to the public without discrimination.

Foard County, Texas, as a recipient of federal financial assistance, will ensure full compliance with Title VI of the Civil Rights Act of 1964; 49 C.F.R. Part 21 (Department of Transportation Regulations for the Implementation of Title VI of the Civil Rights Act of 1964); 49 C.F.R. Part 21; and related statutes and regulations. Foard County, Texas acknowledges it is subject to and will comply with Federal Highway Administration Title VI Assurances.

This plan explains how Foard County, Texas incorporates the requirements of Title VI and related legal authorities into its operations. The plan will be used as a reference for Foard County, Texas and an informational resource for the public.

The plan will be updated every 3 years to reflect changes in Title VI compliance operations.

Discrimination under Title VI

It is the responsibility of every Foard County, Texas employee to prevent, minimize, and eradicate any form of discrimination. There are two types of discrimination prohibited under Title VI and its related statutes: (1) disparate treatment that alleges similarly situated persons are treated differently because of their race, color, or national origin (i.e., intentional discrimination); and (2) disparate impact/effects when a facially neutral policy, procedure, or practice results in different or inferior services or benefits to members of a protected group. The focus of disparate impact is on the consequences of a decision, policy, or practice rather than the intent.

Prohibited forms of discrimination may include, but not be limited to, the following:

- The denial of services, financial aid, or other benefits provided under a program;
- Distinctions in the quality, quantity, or manner in which a benefit is provided;
- Segregation or separation of persons in any part of the program;
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others;
- Differing standards or requirements for participation;
- Methods of administration that directly or indirectly, or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination; or

- Discrimination in any activities or services related to a highway, infrastructure or facility built or repaired in whole or in part with federal funds.

Foard County, Texas efforts to prevent such discrimination must address, but not be limited to, how a program or activity:

- Impacts the public;
- Provides accessibility;
- Provides equal access to benefits;
- Encourages participation;
- Provides services equitably;
- Initiates contracting and training opportunities;
- Investigates complaints;
- Allocates funding; and
- Prioritizes projects.

Authorities

The authorities applicable to Foard County, Texas Title VI/Nondiscrimination Program include:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. §2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- **49 CFR Part 21** (entitled *Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of The Civil Rights Act of 1964*);
- **23 CFR Part 200** (FHWA's *Title VI/Nondiscrimination Regulation*);
- **28 CFR Part 50.3** (U.S. Department of Justice *Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964*); and,
- **Texas Administrative Code §9.4**, *Civil Rights – Title VI Compliance*

Title VI Policy Statement

It is the policy of Foard County, Texas that no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of Foard County, Texas as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of Foard County, Texas, including its contractors and anyone who acts on behalf of Foard County, Texas. This policy also applies to the operations of any department or agency to which Foard County, Texas extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

The nondiscrimination statement signed by Cheryl Branch, Foard County Auditor is included as Attachment 1.

Standard DOT Assurances

The U.S. DOT requires that federal financial assistance be provided on the condition that the recipient provides an assurance that its programs and activities will be conducted in compliance with Title VI of the Civil Rights Act of 1964. The requirement is located at 49 CFR 21.7(a). To support the implementation of this requirement, the U.S. DOT provided an assurances agreement in U.S. DOT Order 1050.2A that federal fund recipients and subrecipients must sign as a condition of receiving federal financial assistance.

The assurances agreement provides specific non-discrimination language, Foard County, Texas, is required to include in bid solicitations or requests for proposal, contracts, and real estate agreements. Foard County, Texas is committed to ensuring the necessary language is used as prescribed in the assurance's agreement.

In accordance with this requirement, Foard County, Texas has signed the U.S. DOT Standard Title VI/ Non-Discrimination Assurances. The document is attached as Attachment 1.

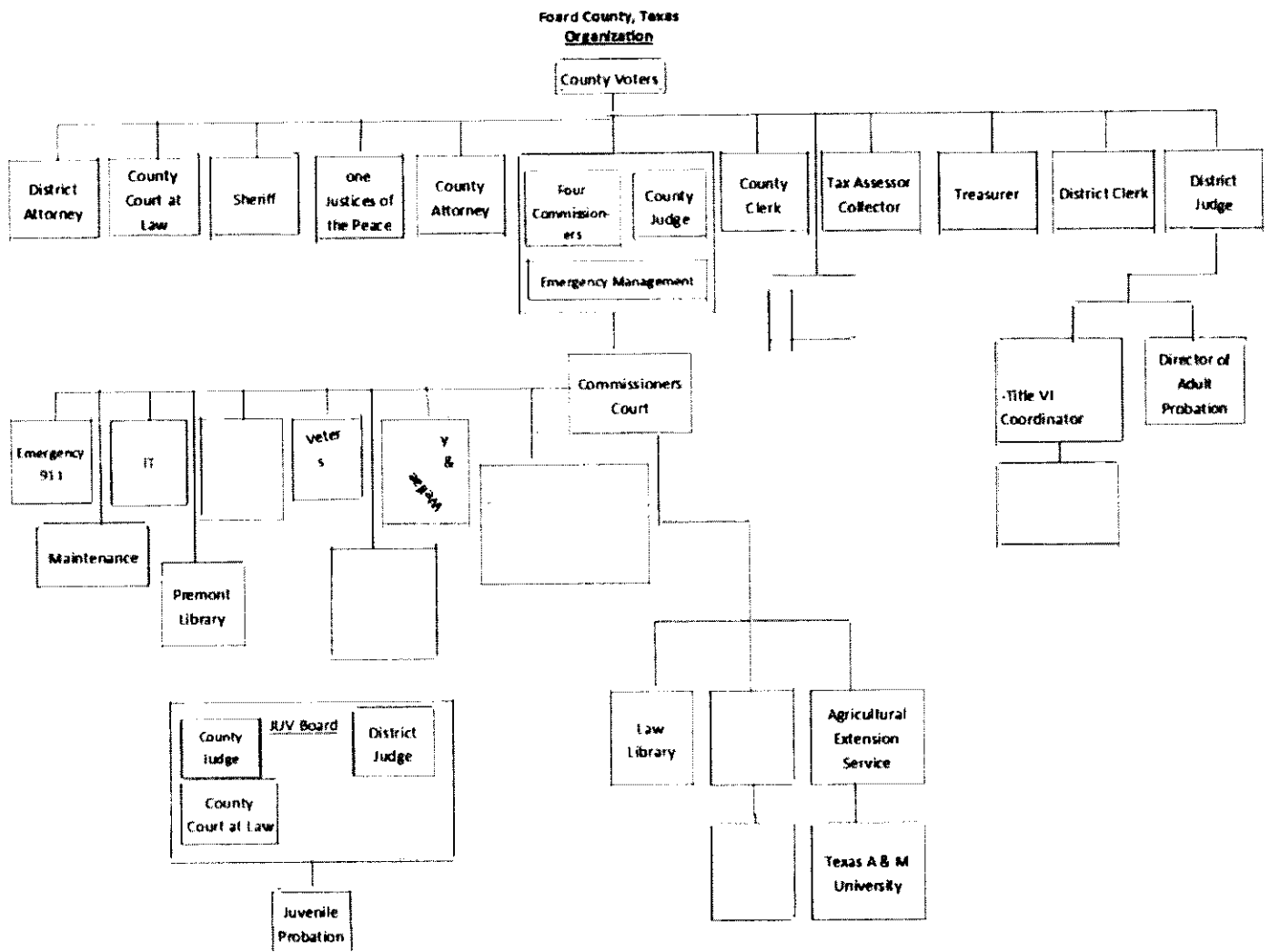
Organization and Staffing

Cheryl Branch Foard County Coordinator ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all agency employees, contractors, and agents pursuant to 23 C.F.R. Part 200 and 49 C.F.R. Part 21.

Foard County Commissioner's Court has assigned Cheryl Branch, Foard County Coordinator, to perform the duties of the Title VI Coordinator and ensure implementation of the agency's Title VI program.

The Title VI Coordinator is responsible for:

- Maintaining and updating the Title VI plan on the agency's behalf;
- Ensuring relevant agency staff receive necessary Title VI training;
- Ensuring prompt processing of Title VI complaints and referral to Texas Department of Transportation;
- Developing procedures for the collection and analysis of statistical data;
- Developing a program to conduct Title VI reviews of program areas; and
- Developing Title VI information for dissemination internally and externally;



Primary Program Area Descriptions & Review

Procedures

Foard County, Texas engages in the following program areas:

Program Area and General Description	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
<p>Right of Way: Issues public right of way permits for construction, transportation, business, and other activities.</p> <p>Coordinates relocation of citizens whose property has been acquired for a right of way.</p>	<p>Public right of way permits and relocations should not create unfair burdens.</p> <p>Collecting demographic data from property owners who may be subject to right of way activities.</p> <p>Ensuring property owners impacted by right of way activities are made aware of their right to be free from discrimination on the basis of race, color, or national origin under Title IV of the Civil Rights Act of 1964.</p> <p>Maintaining an open and fair bidding process for all contracts.</p>	<p>Reviewing permits and relocations to ensure nondiscrimination.</p> <p>Ensure demographic data is part of necessary right of way templates or forms.</p> <p>Ensure Title IV notice is consistently provided to property owners impacted by right of way activities.</p>
<p>Contracting: Develops and manages contracts and contracting opportunities, including specifications, bidding process, and contract execution.</p>	<p>Ensure Title VI Assurances appendices are included in contracts as specified within the assurances document.</p>	<p>Reviewing contracts for necessary Title VI language.</p> <p>Reviewing any available data on contract recipients to ensure nondiscrimination in contracting.</p>
<p>Planning: Short-term and long-term planning of transportation projects</p>	<p>Ensuring comprehensive public participation to ensure all stakeholders have a chance to voice their opinions.</p> <p>Collecting demographic data from public engagement activities regarding demographics of public participants. Providing language access as needed.</p>	<p>Reviewing bidding procedures to ensure nondiscrimination and equal opportunity.</p> <p>Review planning decisions to ensure nondiscrimination.</p> <p>Reviewing public engagement activities periodically to determine whether engagement opportunities were offered to all communities. Documenting language access requests.</p>
<p>Public Engagement: Coordinates public engagement activities for planning and project development, as well as relationship-building engagement activities.</p>	<p>Comprehensive public participation to ensure all stakeholders have an opportunity to voice their opinions.</p> <p>Collecting demographic data from public engagement activities regarding demographics of public participants.</p> <p>Providing language access as needed.</p> <p>Disseminating Title VI information to the public to ensure they are aware of their rights to be free from discrimination.</p>	<p>Reviewing public engagement activities periodically to determine whether engagement opportunities were offered to all communities.</p> <p>Reviewing public engagement activities periodically to determine whether engagement opportunities were offered to all communities.</p> <p>Documenting language access requests.</p>

Maintenance:

Services roadways and right of ways, including, but not limited to, providing:

- Repair
- Signage
- Drainage
- Snow and ice removal

Ensuring no communities are subject to a disparate lack of maintenance services based on a protected class.

Reviewing resources provided to the community and determining whether any protected class communities have disproportionately benefited or been harmed by the delivery of maintenance services

Data Collection and Analysis

Program Area	Type of Data Collected & Process for Collecting	Purpose for Collecting the Data
Right of Way	Collecting demographic data from property owners who may be subject to right of way activities by including inputs for demographic data on the field title report form.	Ensuring right of way activities do not disproportionately affect individuals or groups based on a protected class status.
Contracting	Identifying contractors who are a: Disadvantaged Business Enterprise (DBE) Historically Underutilized Business (HUB) Small Business Enterprise (SBE)	Ensuring equal opportunity in contracting to all individuals and groups.
Planning	Reviewing data from the U.S. Census Bureau and other credible sources to determine demographic make-up of the local community.	Ensuring project impacts do not disproportionately impact any individuals or groups based on a protected class status.
Public Engagement	Reviewing data from the U.S. Census Bureau and other credible sources to determine demographic make-up of the local community.	Ensuring communications and interactions with the public sufficiently reach all local demographics.
Maintenance	Providing demographic questionnaires to public engagement participants and including demographic questions in public surveys. Reviewing maintenance activities by geography and demographic makeup of communities receiving the maintenance services	Ensuring no communities are subject to a disparate lack of maintenance services based on a protected class.

Potential sources of data and analysis tools include:

- Census Data
- American Community Survey
- School Districts
- Forms or Surveys from the public
- MPO Committees (e.g., Citizen Advisory Committees)
- Field Observations

Title VI Complaint Procedures

Scope of Title VI Complaints

No person or groups of persons shall, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by Foard County, Texas, and its contractors on the grounds of race, color, or national origin.

The scope of Title VI covers all internal and external activities of Foard County, Texas.

The following types of actions are prohibited under Title VI protections (See 49 C.F.R. 21.5):

- Excluding individuals or groups from participation in programs or activities
- Denying program services or benefits to individuals or groups
- Providing a different service or benefit or providing them in a manner different from what is provided to others
- Denying an opportunity to participate as a member of a planning, advisory or similar body that is an integral part of the program
- Retaliation for making a complaint or otherwise participating in any manner in an investigation or proceeding related to Title VI of the Civil Rights Act of 1964

How to File a Formal Title VI Complaint

Any person(s) or organization(s) believing they have been discriminated against on the basis of the protected classes stated above by Foard County, Texas its contractors may file a Title VI complaint.

Discrimination complaints **must be received no more than 180 days after the alleged incident** unless the time for filing is extended by the processing agency.

Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. A complaint should contain the following information:

- A written explanation of the alleged discriminatory actions;
- The complainant's contact information, including, if available: full name, postal address, phone number, and email address;
- The basis of the complaint (e.g., race, color, national origin, etc.);
- The names of specific persons and respondents (e.g., agencies/organizations) alleged to have discriminated;
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and
- The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is on-going.

Complainants are encouraged to submit complaints directly to the Texas Department of Transportation (TxDOT).

Complaints can also be filed by completing and submitting to Foard County, Texas Title VI complaint Form available at <http://www.Foardcounty.gov> or by sending an email or letter with the necessary information to:

Foard County Coordinator

mailing address: P.O. Box 660 Crowell, Texas 79227

Phone: 940-684-1424

If necessary, the complainant may call the phone number above and provide the allegations by telephone and send a written complaint to the complainant for correction and signature.

Complaints can also be filed directly with the following agencies:

Federal Highway Administration

U.S. Department of Transportation Office of Civil Rights

HCR-20 Room E81-320

1200 New Jersey Avenue, SE

Washington, DC 20590

Email : CivilRights.FHWA@dot.gov

Texas Department of Transportation

Civil Rights Division

Attn: Title VI Program Manager

125 E.11st Street Austin, Texas 78701

After submitting a complaint, the complainant will receive correspondence informing them of the status of the complaint within ten(10) business days from Foard County, Texas or other agencies receiving the complaint.

Complaints received by Foard County, Texas Title VI Coordinator are forwarded to the TxDot Office of Civil Rights (OCR). TxDot OCR will forward the complaint to the FHWA Texas Division Office will forward the complaint to FHWA headquarters Office of Civil Rights (HCR).

Signed on the 23rd of April, 2026



Mark Christopher

Foard County Judge



Cheryl Branch

County Coordinator

FHWA HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints. There are four potential outcomes for processing complaints:

- **Accept:** if a complaint is timely filed, contains sufficient information to support a claim under Title VI, and concerns matters under the FHWA's jurisdiction, then HCR will send to the complainant, the respondent agency, and the FHWA Texas Division Office a written notice that it has accepted the complaint for investigation.
- **Preliminary review:** if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.
- **Procedural Dismissal:** if a complaint is not timely filed, is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and FHWA Texas Division Office a written notice that it is dismissing the complaint.
- **Referral \ Dismissal:** if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

Complaints are not investigated by Foard County, Texas. FHWA HCR is responsible for investigating all complaints. FHWA HCR may also delegate the investigation to TxDOT OCR, who would then conduct all data requests, interviews, and analysis and create a Report of Investigation (ROI). TxDOT OCR will have sixty (60) business days from the date the investigation is delegated to prepare the ROI and send it to HCR. HCR will review the ROI and compose a Letter of Finding based on the ROI.

For further information about the FHWA investigation process and potential complaint outcomes, please visit the [Questions and Answers for Complaints Alleging Violations of Title VI of the Civil Rights Act of 1964](#).

Complaint Log

Foard County, Texas maintains a complaint log to document all activity related to the complaint.

Information captured includes:

- Complainant's name, and if provided, race, color, and national origin;
- Respondent's name;
- Basis(es) of the discrimination complaint;
- Allegation(s)/Issue(s) surrounding the discrimination complaint;
- Date the discrimination complaint was filed;
- Date the investigation was complete;
- Disposition;
- Disposition date; and
- Other pertinent information.

Notice of Rights

In accordance with 23 CFR 200.9(a)(12), Foard County, Texas is required to develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English. Notice of Foard County, Texas Title VI policies and procedures are listed in many places such as Public Notice Board inside courthouse in Foard County, Texas, and Foard County, Texas website.

Notification to Beneficiaries

Foard County, Texas website is continuously updated to ensure Title VI information is readily accessible to the public. The website informs the public of their rights under Title VI and provides information on how to file a complaint. Title VI information available on Foard County, Texas Web site includes:

- Foard County, Texas Title VI/Nondiscrimination Plan
- Title VI Nondiscrimination Agreement
- Title VI and Related Statutes Nondiscrimination Statement (English and Spanish)
- Title VI Nondiscrimination Assurances
- TxDOT's External Discrimination Complaint Form (English and Spanish)
- Title VI Poster
- Foard County, Texas Language Assistance Plan

Public Involvement

It is the goal of Foard County, Texas to provide continuous, effective and transparent access to all stakeholders. Foard County, Texas strives to inform all stakeholders about proposed plans and projects and seeks input when appropriate. Foard County, Texas utilizes the following methods to communicate information regarding upcoming activities and opportunities for public and stakeholder participation in the planning process:

- NEWSLETTER/MAILINGS
- EMAIL BLASTS
- ONLINE ENGAGEMENT PLATFORMS
- MEDIA RELEASES
- NOTICES PUBLISHED IN THE TEXAS REGISTER
- VISUALIZATION PRESENTATIONS/TECHNIQUES
- LOCAL COMMUNITY PUBLIC MEETINGS
- STATEWIDE PUBLIC HEARINGS
- FOARD COUNTY, TEXAS WEB SITE
- MPO WEB SITES

Traditionally underserved communities can find it more difficult to engage with decision making entities due to scheduling conflicts, lack of transportation to public involvement events, language barriers, lack of childcare, etc. Genuine public involvement takes place at all levels and so Foard County, Texas aims to identify communities that may be affected by a project in order to plan appropriately and effectively for the potentially impacted groups. Sources of data used were listed above in the Data Gathering section. Foard County, Texas specifically uses the following sources to identify minority and populations with limited English proficiency.

- US CENSUS TABLE P9 - HISPANIC OR LATINO AND NOT HISPANIC OR LATINO BY RACE
- ACS TABLE B16001 - LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER

Foard County, Texas will use the following techniques to ensure that all members of the community have the opportunity to participate in the decision-making process:

- HOLDING MEETINGS AT DIFFERENT TIMES OR ON THE WEEKEND
- HOLDING MEETINGS AT LOCATIONS IN NEIGHBORHOODS LIKE SCHOOLS OR PARKS
- PROVIDING VIRTUAL OPTIONS
- TRANSLATING DOCUMENTS INTO LANGUAGES OTHER THAN ENGLISH
- HOLDING EVENTS ACCESSIBLE BY PUBLIC TRANSPORTATION

Language Assistance and Limited English Proficiency

Individuals with Limited English Proficiency (LEP) are those who do not speak English as their primary language and have a limited ability to read, write, speak, or understand English as a result of their national origin. Under Title VI, these individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

Per USDOT LEP guidance, as outlined on FHWA's Civil Rights website, recipients of federal funds are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors.

Four-Factor Analysis

Factor 1: Number or proportion of LEP persons eligible to be served or likely to be encountered by the City:

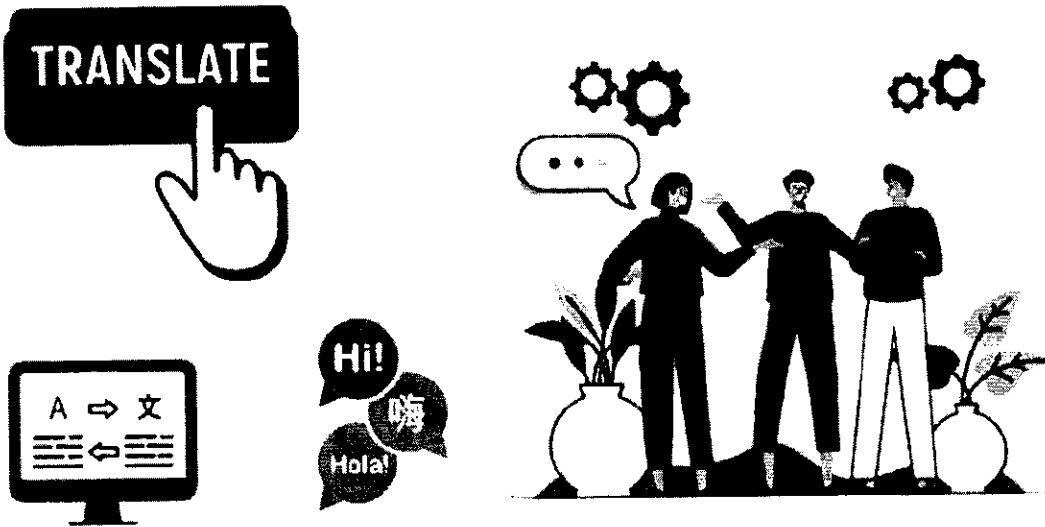
The greater the number or proportion of LEP persons served or encountered, the more likely language services are needed. For the assessment to be accurate it must also include all communities that are eligible for services or are likely directly affected by the Foard County's programs or activities, not only those that live next to a project.

The first step in determining the appropriate components of a Language Assistance Plan is understanding the proportion of LEP persons who may encounter the Foard County's services, their literacy skills in English and their native language, the location of their communities and neighborhoods and, more importantly, if any are underserved as a result of a language barrier.

The county evaluated the level of English proficiency and to what degree people in its service area speak a language other than English and which languages are spoken. Data for this review is derived from the United States Census and the American Community Survey. The most recent data from 2025 was utilized to provide this information.

Overview

The County of Foard encompasses 865.2 square miles and is home to 38,528 people representing 5 different language groups. Of the total county population 5 years old and older (35,940), 11,677, or 32.49% of residents, report speaking English less than very well.



Safe Harbor Provision

The U.S. Department of Transportation (U.S. DOT) has adopted the U.S Department of Justice’s Safe Harbor Provision. This provision outlines circumstances that can provide a “safe harbor” for U.S. DOT recipients (and sub-recipients) regarding translation of vital documents. Specifically, if a recipient provides written translation of vital documents for each LEP group that constitutes the lesser of 1,000 persons or five percent (5%) of the total population eligible to be served or likely to be affected or encountered, such action is considered strong evidence of compliance with the recipient’s written translation obligations.

The Safe Harbor Provision only applies to the translation of written documents. It does not affect the agency’s requirement to provide meaningful access to LEP individuals through oral language services.

A vital document is any document that is critical for ensuring meaningful access to the recipients’ major activities and programs by beneficiaries generally and LEP persons specifically. Whether or not a document (or the information it solicits) is “vital” may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner.

The data shows that just one language meets the Safe Harbor threshold –Spanish. Foard County, Texas is home to 23,858 people (61.9% of the population) who speak Spanish. The number of people who speak other languages and English less than very well all comprise around .1% of the population, with the largest being Asian/Pacific Islander.

Designation of Vital Documents

Based on the limited population of Spanish speakers who also speak English less than very well, Foard County, Texas designates the following as Vital Documents which will be translated to Spanish. Title VI Policy Statement, Title VI Complaint Form, and Title VI Complaint Procedures.

Factor 2: Frequency with which LEP individuals come in contact with the County:

Consider how frequent encounters with LEP individuals may occur. Additionally, consider events or work projects in the next year, which may increase the frequency with which LEP encounters may occur. Some consideration should be given to County policies, programs, events and projects planned for the next year but generally the nature and importance of LEP encounters should be considered on a project-by-project basis. Moving forward, Foard County, Texas plans to collect data on the frequency in which LEP persons come into contact with the County's various departments and programs. The Title VI Coordinator will create an annual survey to be sent to each department. Departments will collect data on their contacts with people who need language assistance, and the Title VI Coordinator will review and analyze this data each year. Departments will also be asked to log their use of any type of translation or interpretation services. Thus, by the time this Program is due for an update, Foard County, Texas will be able to utilize the data on language access needs to help direct future efforts and planning.

Factor 3: The Nature and Importance of the County's Programs, Activities, or Services to People's Lives:

While upcoming TxDOT policies, programs, events, and projects should be taken into account when evaluating potential encounters with Limited English Proficiency (LEP) individuals, it is essential to assess each situation on a project-by-project basis. The nature and importance of LEP interactions may vary depending on the scope, location, and community impact of each project. By evaluating the specific characteristics and potential community impact of each initiative, Foard County, Texas can take appropriate, reasonable steps to ensure that LEP populations receive meaningful access to information and services, in compliance with Title VI requirements.

Factor 4: The Interpretation Services Available to Foard County, Texas:

Foard County, Texas reviewed its available resources that could be used for providing LEP assistance. We have staff available who can translate Spanish. Google translate is able to be utilized to provide quick introductory services. If there is more technical or detailed information that needs to be communicated, a professional translator or interpreter shall be contacted.

A general four-factor analysis will help anticipate and prepare for what may be needed; however meaningful four-factor analysis can only occur on a project-by-project basis. When preparing to publish a document, launch a campaign, hold a public meeting, etc., a focused four-factor analysis should be conducted to determine what type of language assistance is needed.

Training

Foard County, Texas will ensure that its staff understand Title VI of the Civil Rights Act of 1964 and how it may apply to their work. The following options are available for providing training:

Review of Foard County, Texas Title VI Plan

- Attendance at any available Title VI trainings provided by the Texas Department of Transportation, U.S. Department of Transportation or its applicable operating administrations, or the U.S. Department of Justice.
- Viewing the video Understanding and Abiding by Title VI of the Civil Rights Act of 1964 produced by the U.S. Department of Justice

Foard County, Texas will maintain records indicating that staff have received sufficient training on a periodic basis.



FOARD COUNTY

Title VI Nondiscrimination Policy Statement and Assurances

Foard County, Texas (herein referred to as the "Recipient"), as a recipient of federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any Foard County, Texas programs or activities.

Foard County, Texas, HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA), is subject to and will comply with the following:

Statutory/Regulatory Authorities

- *Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);*
- *49 C.P.R. Part 21 (entitled Non-discrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964);*
- *28 C.P.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title Vi of the Civil Rights Act of 1964);*

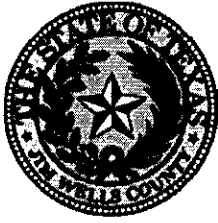
The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from U.S. DOT, including the Federal Highway Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.



FOARD COUNTY

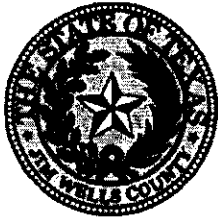
Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally-assisted U.S. DOT programs:

1. The Recipient agrees that each "activity", "facility", or "program", as defined in § 21.23(b) and 21.23(e) or 49 C.P.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Act and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all DOT programs in addition to Foard County, Texas programs, and in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Recipient, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and Appendix E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

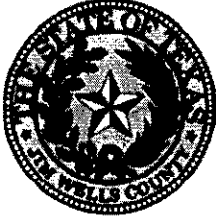


FOARD COUNTY

1001 S. Main St. Jewell, Texas 79277

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties;
 - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods.
 - a. The period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. The period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the programs as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this Assurance, the Recipient also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the U.S. DOT access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the U.S. DOT. You must keep records, reports, and submit the material for review upon request to U.S. DOT, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.



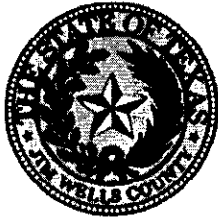
FOARD COUNTY

County Seat: Dalhart, Texas 79323

The Recipient gives this assurance in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. DOT under all Department of Transportation Programs. This assurance is binding on Texas, other recipients, subrecipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in all Department of Transportation programs. The person(s) signing below is/are authorized to sign this assurance on behalf of the Recipient.

_____ Date _____

Title VI Complaint Form



Please submit completed form to:

Title VI Coordinator:
Cindy Garcia
Foard County Coordinator
PO Box 660
Crowell Texas 79227
Email: cheryl@co.Foardcounty.texas.gov

Last Name: _____ First Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Main Phone Number: _____ Alternative Phone Number: _____

Email Address: _____

Please indicate the basis of your complaint:

- Race _____
- National Origin _____
- Color _____
- Other Class _____

Date and place of alleged discriminatory action(s). Please include the earliest date of discrimination and the most recent date of discrimination.

How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. (Attach additional pages, if necessary).

The law prohibits intimidation or retaliation against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.

Names of individuals responsible for the discriminatory action(s):

Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint (attach additional pages, if necessary):

	Name	Address	Telephone
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

Have you filed, or intend to file, a complaint regarding the matter raised with any of the following?

If yes, please provide the filing dates. Check all that apply.

- | | |
|---|-------------------|
| <input type="checkbox"/> U.S. Department of Transportation | Date Filed: _____ |
| <input type="checkbox"/> Federal Highway Administration | Date Filed: _____ |
| <input type="checkbox"/> Federal Transit Administration | Date Filed: _____ |
| <input type="checkbox"/> Office of Federal Contract Compliance Programs | Date Filed: _____ |
| <input type="checkbox"/> Texas Department of Transportation | Date Filed: _____ |
| <input type="checkbox"/> U.S. Equal Employment Opportunity Commission | Date Filed: _____ |
| <input type="checkbox"/> U.S. Department of Justice | Date Filed: _____ |
| <input type="checkbox"/> Other: _____ | Date Filed: _____ |

Have you discussed the complaint with any Foard County, Texas representative? _____ If yes, provide the name, position, and date of discussion.

Briefly explain what remedy, or action, you are seeking for the alleged discrimination.

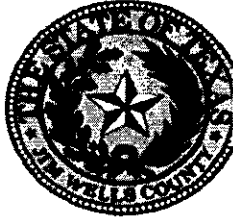
Please provide any additional information and/or photographs, if applicable, that you believe will assist with an investigation.

We cannot accept an unsigned complaint. Please sign and date the complaint form below.

Complainant's Signature

Date

Title VI Complaint Form



Por favor entregar terminada forma a:

Title VI Coordinator:
Cheryl Branch
Foard County Auditor
PO Box 660
Crowell, Texas 79227
Email: cheryl@co.Foardcounty.texas.gov

Último Nombre: _____ Primero Nombre: _____

Envío DIRECCIÓN: _____

Ciudad: _____ Estado: _____ Código postal Código: _____

Número de teléfono principal: _____ Alternativo Teléfono Número: _____

Dirección de correo electrónico: _____

Por favor indicar el base de su queja:

- Carrera _____
- Origen nacional _____
- Color _____
- Otra clase _____

Fecha y lugar de presunto discriminatorio comportamiento). Por favor incluir el más temprano fecha de discriminación y la fecha más reciente de discriminación.

Cómo ¿Eras tú? discriminado ¿contra? Describir el naturaleza de el acción, decisión, o condiciones de el supuesto Discriminación. Explique con la mayor claridad posible qué sucedió y por qué cree que su estatus de protección (base) influyó en la discriminación. Incluya cómo otras personas fueron tratadas de manera diferente a usted. (Adjunte páginas adicionales, si es necesario).

La ley prohíbe la intimidación o represalia contra cualquier persona que haya tomado medidas o participado en una acción para asegurar derechos protegido por estas leyes. Si Tú sientes eso tú tener estado tomó represalias contra, separado de la discriminación En relación con lo anterior, explique las circunstancias a continuación. Explique qué acción tomó que, según su opinión, causó la presunta represalia.

Nombres de individuos responsable para el discriminatorio comportamiento):

Nombres de personas (testigos, compañero empleados, supervisores, o otros) a quien nosotros puede contacto para adicional información Para respaldar o aclarar su queja (adjunte páginas adicionales, si es necesario) :

	Name	Address	Telephone
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

Tener tú archivado, o pretender a archivo, a queja acerca de el asunto aumentó con cualquier de el ¿Siguiente? En caso afirmativo, indique las fechas de presentación. Marque todas las que correspondan.

- A NOSOTROS Departamento de transporte Fecha Archivado: _____
- Administración Federal de Carreteras Fecha Archivado: _____
- Administración Federal de Tránsito Fecha Archivado: _____
- Oficina de Programas de Cumplimiento de Contratos Federales Fecha Archivado: _____
- Departamento de Transporte de Texas Fecha Archivado: _____
- A NOSOTROS Igual Empleo Oportunidad de la Comisión Fecha Archivado: _____
- A NOSOTROS Departamento de la Justicia Fecha Archivado: _____
- Otro: _____ Fecha Archivado: _____

Tener tú discutido el queja con cualquier Foard County, Texas ¿representante? _____ Si

SI, proporcionar el nombre, posición, y fecha de discusión.

Brevemente explicar qué recurso, o acción, tú son buscando para el presunto discriminación.

Por favor proporcionar cualquier adicional información y/o fotografías, si aplicable, eso tú creer voluntad asistir con un investigación.

Nosotros no puedo aceptar un no firmado queja. Por favor firmar y fecha el queja forma abajo.

Del demandante _____

Fecha de la firma _____

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the FHWA, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of

another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or FHWA may determine to be appropriate, including, but not limited to:

- a. withholding payments to the contractor under the contract until the contractor complies, and/or
- b. cancelling, terminating, or suspending a contract, in whole or in part.

6. Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

Clauses for Deeds Transferring United States Property

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Foard County, Texas will accept title to the lands and maintain the project constructed thereon in accordance with all applicable federal statutes, the Regulations for the Administration of all DOT programs, and the policies and procedures prescribed by FHWA of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto Foard County, Texas the all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Foard County, Texas and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another

purpose involving the provision of similar services or benefits and will be binding on the Foard County, Texas, its successors and assigns.

The _____ Foard County, Texas _____, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [.] [and]* (2) that the _____ Foard County, Texas _____ will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.

**Clauses for Transfer or Real Property Acquired or Improved
Under the Activity, Facility, or Program**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Recipient pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Foard County, Texas will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, Foard County, Texas will have the right to enter or re-enter the lands and facilities thereon, and the above-described lands and facilities will there upon revert to and vest in and become the absolute property of the Foard County, Texas and its assigns.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.

**Clauses for Construction/Use/Access to Real Property Acquired
Under the Activity, Facility, or Program**

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the Recipient pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, Foard County, Texas will have the right to

 terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued. *
- C. With respect to deeds, in the event of breach of any of the above non-discrimination covenants,
Foard County, Texas will there upon revert to and vest in and become the
 absolute property of Foard County, Texas and its assigns. *

*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);

- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).